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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------------|------------------|
| 10/755,833   | 01/12/2004  | John A. Blanchard III | AUS920030618US1           | 3276             |
| 7590<br>Darcell Walker<br>Suite 250<br>9301 Southwest Freeway<br>Houston, TX 77074 |             |                       | EXAMINER<br>KUMAR, ANIL N |                  |
|  |             |                       | ART UNIT<br>2109          | PAPER NUMBER     |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 02/13/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/755,833             | BLANCHARD ET AL.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Anil N. Kumar          | 2109                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12 January 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the original filing of January 12th, 2004. Claims (1-18) are pending and have been considered below.

#### ***Drawings***

2. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

3. Claims 3 and 10 are objected to because of the following informalities: "... number is control ...." The examiner will assume that this should have meant "... number of control...."

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank et al. (US 5,651,107).

Claim 14: Frank et al. discloses a device for presenting information in a display system using transparent windows. Furthermore, Frank et al. discloses:

- a processing unit incorporated within the computing device; (i.e. Fig. 1)
- a screen for displaying information to the user of the computing device, said screen comprising a content layer and a control layer, said control layer further comprising non-overlapping semi-transparent functional control areas on the screen; (i.e. CUT, COPY, etc. functions, Fig 6)
- and control software for implementation of control functions corresponding to the semi-transparent control areas (i.e. Shutoff Alarm command, Fig 8).

Claim 15: Frank et al. discloses a device for presenting information in a display system using transparent windows, as in claim 14 above. Furthermore, Frank et al. discloses,

- wherein said control layer overlays said content layer on said screen (i.e.

Fig 6)

Claim 16: Frank et al. discloses a device for presenting information in a display system using transparent windows, as in claim 14 above. Furthermore, Frank et al. discloses,

- wherein the control areas and said control software comprise a user interface for the computing device.(i.e. Fig 6)

Claim 18: Frank et al. discloses a device for presenting information in a display system using transparent windows, as in claim 14 above. Furthermore, Frank et al. discloses,

- wherein the control areas and said control software comprise a user interface for the computing device.(i.e. CUT, COPY, SHUTOFF ALARM, etc... Figs 6 and 8)

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison-Taylor (US 5,796,402) in view of Frank et al. (US 5,651,107).

Claims 1 and 8: Ellison-Taylor discloses a method and computer program product for aligning windows on a computer screen;

- determining the size of control images for display on the screen; (i.e. step 304- define rectangles for windows col 3-4 lines 66-1 and Fig. 3)
- determining the overall display area of the screen of the computing device; (i.e. step 302- define bounding rectangle col 3 lines 49-51 and Fig. 3)
- displaying control images on the screen of the computing device such that no images share any of the same space on the screen. (i.e. step 312 - display adjusted rectangles col 5 lines 50-51 and Fig. 3)

but does not disclose a semitransparent state of window such that background screen content remains visible. However, Frank et al. discloses a method and apparatus for presenting information in a display system using transparent windows;

- in a semitransparent state such that screen content remains visible (i.e. Fig 8)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of this invention to provide the transparent windows (i.e. for functional command windows), in Ellison-Taylor. One would be motivated to provide the

transparent functional windows to improve user interface, especially if the screen is small, and input devices are limited.

Claims 2 and 9: Ellison-Taylor and Frank et al. disclose a method and computer program product for aligning transparent windows on a computer screen, as in claims 1 and 8 above. Furthermore, Ellison-Taylor discloses:

- an embodiment for determining the maximum number of control images that can be displayed in the overall area of the screen such that no images have any overlap on the screen (i.e. removing overlapping between windows, step 302; bounding window and active windows, col 3 lines 49-56).

Even though Ellison-Taylor do not explicitly calculate the maximum number of windows (control images) that can be fitted into a bounding rectangle 400, it would have been obvious to one having ordinary skill in the art at the time of this invention to calculate maximum number of windows that can be fitted in the bounding window, given the active windows or image size. One would be motivated to calculate the maximum number to make sure all the windows are processed and to be able to trade off for either displaying all the windows by shrinking the size, or only display a subset of windows based on the selected criteria.

Claims 3 and 10: Ellison-Taylor and Frank et al. disclose a method and computer program product for aligning transparent windows on a computer screen, as in claims 2 and 9 above. Furthermore, Ellison-Taylor discloses:

- in response to a user request, retrieving an application program; (i.e. user request to run a program col 3 lines 29-31)
- determining the number of control images for display from retrieved program; (i.e. retrieve window coordinates from the operating system col 3 lines 66-67)
- and when the number is control is less than the maximum number of images that can be displayed on that screen, displaying the control images for that program. (i.e. step 312 display adjusted rectangles)

Even though Ellison-Taylor do not explicitly calculate the maximum number of windows (control images) that can be fitted into a bounding rectangle 400, it would have been obvious to one having ordinary skill in the art at the time of this invention to calculate maximum number of windows that can be fitted in the bounding window, given the active windows or image size. One would be motivated to calculate the maximum number to make sure all the windows were processed and to provide for exception cases, like zero windows or maximum number of windows exceeds the possible or allowed number of windowed to be displayed.



Claims 4 and 11: Ellison-Taylor and Frank et al. disclose a method and computer program product for aligning transparent windows on a computer screen, as in claims 2 and 9 above. Furthermore, Ellison-Taylor discloses:

- in response to a user request, retrieving an application program; (i.e. user request to run a program col 3 lines 29-31)
- determining the number of control images for display from retrieved program; (i.e. retrieve window coordinates from the operating system col 3 lines 66-67)
- when the determination is that the number of control images for display is greater than the maximum number of control images for that screen, ranking the control images for that program; (i.e. system aligns the windows based on a criteria: step 308, col 2 lines 22-24 and Fig. 3)
- and displaying the control images in an order according to the rank of the control images (i.e. step 312 display adjusted rectangles, Fig. 3).

Even though Ellison-Taylor do not explicitly calculate the maximum number of windows (control images) that can be fitted into a bounding rectangle 400, it would have been obvious to one having ordinary skill in the art at the time of this invention to calculate maximum number of windows that can be fitted in the bounding window, given the active windows or image size. One would be motivated to calculate the maximum number to make sure all the windows are processed and when the maximum number has exceeded, prioritize and display only a subset of windows at a time.

Claims 5 and 12: Ellison-Taylor and Frank et al. disclose a method and computer program product for aligning transparent windows on a computer screen, as in claims 4 and 11 above. Furthermore, Ellison-Taylor discloses:

- displaying a control image on the screen; (i.e. ... tiling program displays in step 312... col 5 lines 50-51)
- incrementing a control-image display number count; (i.e. ...increment the index... col 6 lines 41-43 and Fig. 6)
- comparing the display count with the maximum number of control images for that screen; (i.e. ...determines whether the index m is equal to index value... col 6 lines 31-34 and Fig. 6)
- and displaying the next control image on the screen when the display count is less than the maximum number of control images for that screen (i.e. .step 312 display adjusted rectangles, Fig. 3).

Even though Ellison-Taylor do not explicitly test if for the condition, maximum number of windows (control images) before displaying, it would have been obvious to one having ordinary skill in the art at the time of this invention to calculate maximum number of windows, if necessary. One would be motivated to calculate the maximum number of windows to be displayed, if there are too many windows to be displayed and there were no criteria, user defined or otherwise, present.

Claim 6: Ellison-Taylor and Frank et al. disclose a method for aligning transparent windows on a computer screen, as in claim 4 above. Furthermore, Ellison-Taylor discloses:

- displaying a control image on the screen; (i.e. ... tiling program displays in step 312... col 5 lines 50-51)
- incrementing a control image display number count; (i.e. ...increment the index... col 6 lines 41-43 and Fig. 6)
- comparing the display count with the maximum number of control images for that screen; (i.e. ...determines whether the index m is equal to index value... col 6 lines 31-34 and Fig. 6)
- and terminating the method when the display count is equal to the maximum number of control images for that screen (i.e. step 1112, ...if the index is equal to the index value of the last window, then the routine returns (terminates)... col 11 lines 1-5 , Fig. 11).

Even though Ellison-Taylor do not explicitly test if for the condition, maximum number of windows (control images) has been displayed before terminating, it would have been obvious to one having ordinary skill in the art at the time of this invention to terminate or handle the conditional statement appropriately. One would be motivated to provide a process to handle the exceptional cases, as the total number of windows (control images) can vary, and may not all fit on a given display screen.

Claim 7: Ellison-Taylor and Frank et al. disclose a method for aligning transparent windows on a computer screen, as in claim 4 above. Furthermore, Ellison-Taylor discloses wherein the ranking process by prioritizing the control images according to the frequency of use of the control image (i.e. system aligns the windows based on a criteria: step 308, col 2 lines 22-24 and Fig. 3)

Claim 13: Ellison-Taylor and Frank et al. disclose a computer program product for aligning transparent windows on a computer screen, as in claim 11 above.

Furthermore, Ellison-Taylor discloses:

- displaying a control image on the screen; (i.e. ... tiling program displays in step 312... col 5 lines 50-51)
- incrementing a control image display number count; (i.e. ...increment the index... col 6 lines 41-43 and Fig. 6)
- comparing the display count with the maximum number of control images for that screen; (i.e. ...determines whether the index m is equal to index value... col 6 lines 31-34 and Fig. 6)
- and terminating the method when the display count is equal to the maximum number of control images for that screen (i.e. step 312 display adjusted rectangles, Fig. 3).

Even though Ellison-Taylor do not explicitly test if for the condition, maximum number of windows (control images) before displaying, it would have been

obvious to one having ordinary skill in the art at the time of this invention to calculate maximum number of windows, if necessary. One would be motivated to calculate the maximum number of windows to be displayed, if there are too many windows to be displayed and there were no criteria, user defined or otherwise, present.

8. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Frank et al. (US 5,651,107).

Claim 17: Frank et al. disclose a method and device for aligning transparent windows on a computer screen, as in claim 16 above. Official Notice is taken that it is well known within the computer arts since 1990's to use a touch control screen where user's do not generally have access to any other input device, or in some special situations like ATMs. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide this feature, like using a touch control screen, in Frank et al. One would be motivated to provide a specific display, like touch screen display, depending on the applications need such as ATMS, or hand held devices where screen is too small, and only other input devices is usually a stylus or a finger.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2109

- a. Bates et al. (US 2004/0250215 A1) discloses a Method and apparatus for proportionally displaying windows on a computer display screen
- b. Bourgeois et al. (US 5,060,170) discloses a space allocation and positioning method for screen display regions in a variable windowing system
- c. Durrani et al. (US 6,773,266 B1) discloses a Computer-implemented user interface having semi-transparent scroll bar tool for increased display screen usage
- d. Squires et al. (US 6,773,266 B1) discloses a Method and apparatus for generating window borders having pictorial frame elements

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Mon-Fri EST (Alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK

1/18/2007



James Myhre

Supervisory Primary Examiner